

## V. REMARKS

Reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks are respectfully requested.

At the outset, applicants' counsel wishes to express his appreciation for the thorough examination of this application by Examiner King.

The Examiner's objection to the abstract is noted. In response thereto, a replacement abstract is submitted herewith for the Examiner's approval. It is deemed that such rejection is no longer applicable in view of the amendment herein.

The Examiner has objected to the disclosure "for the following informality: the period after '16' on page 11, line 9 should be a comma." Applicants' attorneys' copy of the application as filed does not contain any punctuation after "16" on page 11, line 9. It is believed that the punctuation on that line is correct.

The Examiner's rejection of Claim 5 "under 35 U.S.C. 112" is noted. In response thereto, Claim 5 has been amended replacing "said clamp assembly" in line 3 with "said clamping means." It is deemed that such rejection is no longer applicable in view of the amendment herein.

The Examiner has then rejected Claims 1 and 4-6 "under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,7734,439 to Wintz." The Examiner has then rejected Claims 1-6 "under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,887784 to Kayali." The Examiner has then rejected Claim 7 "under 35 U.S. C. 103(a) as being unpatentable over Wintz in view of U.S. Patent 2,127,607 to Levow." The Examiner has then rejected

Claim 8 “under 35 U.S.C. 103(a) as being unpatentable over Wintz combined with Levow and further in view of U.S. Patent 6,425,562 to Knudson.” These various rejections are traversed. Although there are superficial similarities between applicant’s invention and the prior art as evidenced by Wintz, Kayali, Levow and Knudson, there are also significant patentably distinct differences, particularly when comparing the prior art to applicant’s invention as presently claimed.

More specifically, as disclosed, applicants’ hanger member includes free end portions 22. Note in particular Figure 5 of applicant’s drawings. Such free ends are axially aligned and laterally spaced for positioning at diametrically opposed portions of a cup unit 20. Such a claimed arrangement also includes therewith an essentially linear portion at an upper extent of the hanger assembly. Note the region between reception channels 32 in Figure 2. Such linear section is parallel with the free end portions. In this manner parallelism is retained between the object being held, a can within the cup unit, and the object provided for support, the boat side rail, as shown in Figure 1. In this environment, boat side rails are normally horizontal allowing the proper retention of the cup unit and cup being supported. Such a claimed arrangement is not found in the prior art wherein the supporting structures of Wintz, Kayali, and Knudson are not horizontal but either angled or vertical while the supporting structure of Levow is not shown. Further, the combination of the Examiner’s prior art from diverse technologies is not well taken let alone particularly when combined by the Examiner to allegedly anticipate a different technology.

It would appear that the Examiner has merely gleaned miscellaneous features in the prior art and has attempted to combine them without a teaching or even the slightest motivation for their combination. The only teaching is in applicants’ disclosure which, by definition, is not prior art. But even if there were a teaching for the combination, the

resulting structure would still fail to anticipate or render obvious applicants' invention for the reasons set forth herein above.

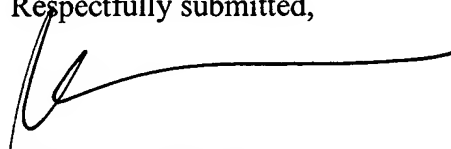
It is further noted with due appreciation that the drawings have not been objected to by the Examiner or the Official Draftsperson under 37 CFR 1.84 or 1.152.

All grounds of objection and rejection having been overcome by this Amendment, the application now is believed to be in condition for immediate allowance containing Claims 1-9 and such favorable action earnestly is solicited.

\* \* \* \* \*

The Examiner is encouraged to telephone the undersigned to resolve any issues still present in the application and to expedite the prosecution of the application, should the Examiner believe such a telephone conference would be helpful.

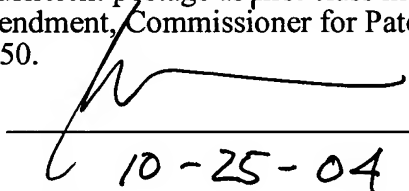
Respectfully submitted,



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## VI. CERTIFICATE OF MAILING

I hereby certify that this **Amendment Under 37 CFR § 1.111** is being deposited on October 25, 2004 with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Signature: 

Date Signed: 10-25-04